

## Message Text

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ACTION EUR-12

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-11

SAM-01 SAJ-01 ACDA-05 /077 W  
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O P 061050Z MAR 76

FM USMISSION USBERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC PRIORITY 2074

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USNATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0448

E O 11652: GDS

TAGS: PGOV, PFOR, ELTN, WB, GE, GW, UR

SUBJ: REICHSBAHN CONSTRUCTION IN WEST BERLIN

REFS: A) BONN 3676; B) BONN 3723; C) STATE 55155

1. SUMMARY: WE FULLY CONCUR IN EMBASSY AND DEPARTMENT ANALYSES  
OF SITUATION AND ITS IMPLICATIONS, REFS A AND C.

WE THINK SOME SORT OF COMPROMISE SOLUTION WILL PROBABLY  
BE NECESSARY UNLESS GDR CHOOSES TO TAKE ROUTE OF STRAIGHT  
DEFIANCE, AND WOULD NOT RULE OUT INTERMEDIARY THEORY  
PROVIDED IT WERE SOME VARIANT THAT WOULD ALLOW US TO TAKE  
PLAUSIBLE PUBLIC POSITION THAT WE HAD MAINTAINED EXISTING  
SITUATION. NEED IS FOR GDR TO MAKE A GESTURE, HOWEVER,  
THAT WILL ALLOW OF SUCH AN INTERPRETATION. WITHOUT AT  
LEAST SOME PRELIMINARY SIGN THAT GDR IS PREPARED TO  
MADE THAT KIND OF GESTURE WE WOULD BE CONCERNED THAT TOO  
SPECIFIC AN EFFORT BY FRG OR SENAT TO PROPOSE COMPROMISE  
WOULD BE MISCONSTRUED AS SIGN OF WEAKNESS THAT WOULD  
MERELY HARDEN GDR'S POSITION. END SUMMARY.

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2. WE THINK FULL GDR COMPLIANCE, .E. A STRAIGHTFORWARD LETTER REQUESTING PERMISSION, IS UNLIKELY. WE ALSO CONSIDER THAT IF GDR WERE SIMPLY TO DEFY ALLIES AND FRG WE WOULD HAVE LITTLE CHOICE BUT TO ACT DECISIVELY. THERE MAY, HOWEVER, BE ACCEPTABLE COMPROMISES INVOLVING EITHER DIRECT DEICHSBAHN-ALLIED CONTACT SHORT OF REQUEST FOR APPROVAL OR USE OF INTERMEDIARY.

3. IT IS PROBABLY NOT POSSIBLE TO DEFINE IN VACUUM PRECISELY WHAT WOULD AND WHAT WOULD NOT BE ACCEPTABLE COMPROMISE. GAUS CHANNEL IS OBVIOUSLY VITAL ONE AT MOMENT. WE WOULD BE RELUCTANT TO SEE GAUS OR SENAT REPRESENT OR IMPLY TO GDR IN THEIR FORTHCOMING CONTACTS BRITISH AND FRG BONN REP'S ATTITUDE REF. A, HOWEVER, BEFORE GDR ITSELF HAS INDICATED THAT IT WISHES TO FIND WAY OUT OF SITUATION, LEST SUCH A PRESENTATION ENCOURAGE GDR OBDURACY. WE ESSAY BELOW, HOWEVER, OUR THOUGHTS ON VARIOUS CONCEIVABLE SCENARIOS.

4. WE WOULD THINK THAT BAREST MINIMUM THAT COULD PROVE TOLERABLE WOULD HAVE TO INCLUDE SOME SORT OF OVERT GDR GESTURE, NOT MERELY ITS TACIT ACCEPTANCE OF DUCUMENT FROM ALLIES. THERE IS NO QUESTION THAT WE CONTROL SENAT AND CAN CONTROL WEST BERLIN FIRMS. POINT ON WHICH WE HAVE FOR YEAR EXPENDED CONSIDERABLE EFFORT, BECAUSE OF ITS IMPORTANCE FOR SECURITY AND STATUS OF CITY, IS THAT WE ALSO HAVE ULTIMATE CONTROL OVER REICHSBAHN OPERATIONS AND PROPERTY IN WESTERN SECTORS. WE WOULD NOT THINK IT ACCEPTABLE THEREFORE, FOR SENAT TO "GIVE" US AGAIN THOSE SAME PAPERS RELATING TO CONSTRUCTION WHICH IN FACT THEY AND FRG WERE OBLIGED TO AND DID GIVE US IN DECEMBER. IT WOULD LIKEWISE NOT BE SUFFICIENT FOR A FIRM TO COME TO US AND REQUEST PERMISSION ON ITS OWN.

5. KEY QUESTION MAY PROVE TO BE WHAT SORT OF COMMUNICATION FROM GDR SIDE WOULD BE SUFFICIENT FOR US TO INTERPRET IT AS COMPLIANCE. ONE POSSIBILITY THAT WOULD RATE HIGH ON SCALE OF ACCEPTABILITY AND HAS SOME PRECEDENT IS LETTER FROM REICHSBAHN TO U.S. MISSION AND TO BRITISH MISSION INFORMING US IT IS FORESEEN THAT CERTAIN WORK WILL BE DONE BUT NOT CONFIDENTIAL

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USING WORDS LIKE "APPLICATION" OR "PERMISSION". IN APRIL 1972 REICHSBAHN BEGAN PREPARATORY WORK ON CONSTRUCTION OF S-BAHN STATION AT ZEHLENDORF SUEW. CONSTRUCTION HAD BEEN DISCUSSED OVER PREVIOUS YEAR WITH SENAT AND TECHNICAL DETAILS HAD BEEN WORKED OUT BUT SOMEHOW MATTER APPARENTLY DID NOT COME TO MISSION'S ATTENTION UNTIL THEN. WHEN IT DID, WORD WAS PASSED QUIETLY TO FIRM THROUGH SENAT EMPLOYEES WHO SERVES AS MISSION LIAISON TO REICHSBAHN THAT U.S. SECTOR AUTHORITY

APPROVAL WAS STILL OUTSTANDING AND THAT POLICE WOULD INTERVENE IF WORK WAS NOT STOPPED. FIRM COMPLIED VOLUNTARILY, AND CONSTRUCTION WAS HALTED FOR SEVERAL WEEKS WITH STORIES IN PRESS SIMILAR TO THOSE WE HAVE BEEN SEEING OVER LAST FEW DAYS. REICHSBAHN RETREATED GRACEFULLY MAY 3 WITH BRIEF LETTER OF SORT DESCRIBED ABOVE IN WHICH IT SAID IT WAS ENVISAGED "COMPLETION" OF WORK WOULD BE "BEGUN" MAY 10. MISSION RETURNED LETTER MAY 12 WITH STANDARD STAMP SAYING "APPROVED IN CONJUNCTION WITH WORK PLAN DETERMINATION OF SENATOR FOR ECONOMICS," BUT ADDING THAT WORK COULD ONLY BEGIN MAY 15. COPIES OF THESE DOCUMENTS WERE AMONG THOSE GIVEN TO SOVIET EMBASSY MARCH 1.

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NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-11

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TO AMEMBASSY BONN IMMEDIATE  
INFO SECSTATE WASHDC PRIORITY 2075  
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6. LESS DESIRABLE BUT CONCEIVABLY ACCEPTABLE MIGHT BE USE OF SENAT AS INTERMEDIARY PROVIDED SENAT WAS GIVEN SOME SORT OF ADDITIONAL DOCUMENT (WHETHER PLANS, VERBAL DESCRIPTION OR EVEN LETTER) WHICH REQUESTED SENAT TO OBTAIN NECESSARY AUTHORIZATION OF ALLIES OR, LESS DESIRABLE, OF "COMPETENT AUTHORITIES." RELEVANT TO ACCEPTABILITY OF SUCH A SUBMISSION, OF COURSE, WOULD BE WHETHER IT CAME FROM REICHSBAHN ITSELF OR FROM A GDR MINISTRY. IN EVENT THAT SUBMISSION COULD BE

INTERPRETED BY US PLAUSIBLY AS COMPLIANCE WITH BK/O(75)15, IT WOULD SEEM NECESSARY FOR US TO BE ABLE TO RETURN IT WITH OUR STANDARD MISSION APPROVAL STAMP TO REICHSBAHN AND TO HAVE REICHSBAHN ACCEPT IT. SINCE SENAT DOES HAVE OFFICIAL ROLE IN REICHSBAHN MATTERS (VARIOUS SENAT OFFICES, FOR EXAMPLE, MAKE DETERMINATION WHETHER PROJECT MIGHT AFFECT CONTINGENT NON-REICHSBAHN PROPERTY, WATERMAINS, STREETS, SAFETY OF PASSERS-BY, ETC), WE WOULD THINK IT A FAR PREFERABLE INTERMEDIARY TO FIRMS. BRITISH IDEA OF A SYMBOLIC SUSPENSION OF CONSTRUCTION WHILE WE "CONSIDERED" SUBMISSION MIGHT BE USEFUL PART OF SCENARIO IF OTHER ELEMENTS, SUCH AS LANGUAGE IN REICHSBAHN SUBMISSION, BY THEMSELVES DID NOT APPEAR STRONG

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ENOUGH TO WARRANT INTERPRETATION THAT WE HAD MAINTAINED OUR POINT. WE MIGHT ALSO CONSIDER PASSING WORD THAT THIS WAS ONE-TIME COMPROMISE IN VIEW OF SPECIAL FACT OF DECEMBER 19 AGREEMENT AND THAT STANDARD DIRECT REICHSBAHN-ALLIED PROCEDURES WOULD HAVE TO RESUME IN FUTURE.

7. GDR WOULD NOT, WE THINK, HAVE TO CAST ABOUT VERY FAR SHOULD IT DESIRE VEHICLE FOR MAKING ADDITIONAL SUBMISSION. ITS REQUEST FOR ADDITIONAL LAND IN CONJUNCTION WITH CONSTRUCTION PROJECTS IN BRITISH SECTOR (SPANDAU, CHARLOTTENBURG AND STAAKEN) WAS SUFFICIENTLY VAGUE IN ITS JUSTIFICATION SO THAT SENAT EXPERTS ARE NOT ABLE TO CONFIRM NEED FOR SOME PARCELS. GDR COULD EASILY HAVE REICHSBAHN SUBMIT FURTHER DOCUMENT WITH ADDITIONAL DETAIL TO WHICH SOME LANGUAGE COULD BE APPENDED ABOUT PROJECTED WANNSEE CONSTRUCTION IN AMERICAN SECTOR AS WELL AS REQUEST FOR APPROVAL OF SORT DISCUSSED PARA 6 ABOVE.

8. IN SUMMARY, WE THINK REASONABLE COMPROMISE MAY WELL BE OBTAINABLE, AND, SPEAKING REALISTICALLY IN TERMS OF FRG POLITICAL PROBLEMS, REQUIRED UNLESS GDR HAS SIMPLY MADE DECISION TO PUSH FOR STATUS CONFRONTATION. IN LATTER CASE WE WOULD HAVE LITTLE OPTION BUT TO MAINTAIN FULL LETTER OF OUR RIGHTS. BALL IS REALLY IN GDR COURT, HOWEVER, AS RESULT OF RECENT ALLIED AND FRG ACTIONS UNTIL IT INDICATES ITS WILLINGNESS TO FIND METHOD OF COMPLIANCE WE WOULD HOPE THAT ALLIES AND FRG COULD MAINTAIN FIRM COMMON FRONT. GEORGE

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## Message Attributes

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